IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Revision No. 501 of 2001
(Old No. 286 of 1993)

Prem
R/o Roorkee
Police Station Kotwali Roorkee
District Sharanpur ….Applicant
/Revisionist

Versus

State of U.P. …. Opposite Party

Hon'ble B.C. Kandpal, J.

List has been revised. None appears on behalf of the revisionist before the Court.

This case has been transferred from Allahabad High Court. After the receipt of the file, notice was sent to the revisionist. But it could not be served upon on account of incomplete address.

Non boilable warrants was also issued against the revisionist but report of the C.J.M. shows that the warrant could not be executed on account of incomplete address of the revisionist.

Heard learned A.G.A. and perused the record.

The revisionist was challenged by the Food Inspector for having violated the provision of Section 7/16 of the Prevention of Food Adulteration Act.

The Food Inspector took the sample of the milk from the revisionist and it was found that the milk, which the revisionist was selling, was found to be adulterated. The trial court vide its judgment and order dated 24.02.1992 convicted the revisionist for having committed the offence 7/16 Prevention of Food

Adulteration Act and sentenced him six months R.I. and fine of Rs. 500/- and in default of payment of fine, one month simple imprisonment.

The revisionist preferred the appeal before the court of Additional Sessions Judge, Roorkee and the appellate court also dismissed the appeal vide its judgment and order dated 14.12.1992.

Feeling aggrieved by the judgment and order dated 14.12.1992, the revisionist preferred the revision before the High Court of Allahabad, which has been transferred to this Court after creation of Uttaranchal State, for disposal.

Record shows that the sample was sent for reanalysis to the Central Food laboratory and the report, which was received from the Central Food Laboratory shows that the sample was found to be adulterated.

I do not find any force in the ground taken in the memo of revision that the delay in analyzing the sample by Central Food Laboratory has vitiated the trial, as Central Food Laboratory does not indicate anywhere that the same was not found fit for analysis. At the same time the report of the Central Food Laboratory shows that the sample was found to be adulterated.

I do not find any illegality, infirmity, impropriety or error of jurisdiction in the judgment and order passed by the court below.

The judgment and order passed by the trial court is based on detailed and sound assessment of the evidence on the record. Both the judgments passed by the courts below do not require any interference by way of the revision.

For the reasons stated above, I am of the view that this revision being devoid of any merit and liable to be dismissed.

The revision is accordingly dismissed. The court below shall be informed with regard to the decision of this Court so that the court may proceed further in order to take the revisionist into custody the survive the sentence as imposed upon him.

(B.C. Kandpal, J.)

30.07.2004
ASWAL